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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	AUG 07 2002 09/574,386	
	Filing Date	GROUP 1600 May 19, 2000	
	First Named Inventor	Donna G. Albertson	
	Group Art Unit	1656	
	Examiner Name	Spiegler, A.	
Total Number of Pages in This Submission	8	Attorney Docket Number	407E-914400US

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): Submission Cover sheet and Declaration under 37 CFR 1.132
<b>Authorization to Charge Deposit Account</b> Please charge Deposit Account No. 50-0893 for any additional fees associated with this paper or during the pendency of this application, including any extensions of time for consideration of the documents enclosed.		
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Emily M. Haliday, Reg. No. 38,903 Quine Intellectual Property Law Group, P.C.
Signature	<i>Emily M. Haliday</i>
Date	Aug. 5, 2002

## CERTIFICATE OF FACSIMILE TRANSMITTAL

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Atty Docket No: 407E-914400 US

Client Ref: 2000-364-1

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AUG 07 2002

**GROUP 1600****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Donna G. Albertson; Daniel Pinkel; Antoine  
Snijders

Application No.: 09/574,386

Filed: 5/19/2000

For: **Methods And Compositions For  
Preparation Of A Polynucleotide Array**

Examiner: Spiegler, A.

Art Unit: 1656

**SUBMISSION OF DECLARATION  
UNDER 37 C.F.R. 1.132**Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

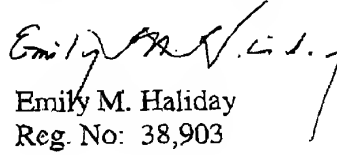
Supplemental to the Amendment filed on July 3, 2002, Applicants submit herewith the Declaration of Dr. Donna G. Albertson, one of the co-inventors of the above-referenced application. This Declaration is submitted as evidence of a distinction between the claimed invention and Smith *et al.* (PCR Methods and Applications (1992) 2:21-27). In particular, Applicants stated at page 10-11 of the Amendment that: "If the recited amplification products and those disclosed in Smith were subjected to gel electrophoresis, followed by DNA staining, the recited amplification products would appear as a 'smear,' whereas Smith's amplification products would appear as discrete bands." The accompanying Declaration includes a photograph showing the DNA smear produced by the claimed method. A comparison of this photograph with any of Figs. 2-4 of Smith illustrates that the claimed invention requires the production of a target solution that is representative of essentially an entire starting polynucleotide, whereas Smith teaches the selective amplification of single restriction fragments from large DNA molecules.

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If there are any questions regarding this submission, the Examiner is invited to call the undersigned at (510) 769-3509.

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Respectfully submitted,

  
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